

REMARKS

In the Decision on Appeal of September 29, 2007, while the Board has affirmed the Examiner, the Board has recognized that the prior art does not disclose “linear” translation of the burnish object relative to the disk. The Board states, “we find no basis in the claim language or in the disclosure in the Specification to read the term ‘linearly’ into the claims as a limitation on ‘to advance a position of contact’ with respect to the translational course between two points as disclosed in Specification ¶ 0030.” See paragraph bridging pages 3 and 4 of the Decision on Appeal.

The fact that the Board has made this clarification indicates that the Board considers that the present invention is distinguishable over the prior art cited by the Examiner by adding “linearly” as a limitation on “to advance a position of a contact” with respect to the translational course between two points. In this situation, Applicants have amended claim 1 to recite “to advance a position of a contact of the burnishing object linearly between two points across the surface of the disk” and request reopening the prosecution of this case by filing a RCE under 37 CFR 1.114 along with an amendment explicitly limiting the translation of the burnishing object relative to the disk to be “linear.” Note that MPEP 1214.07 states that even after a final decision of the Board, if an amendment is submitted with a RCE, prosecution of the application will be reopened and the amendment will be entered.

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Respectfully submitted,

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